

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Social Welfare Department – Land Acquisition for House Sites –Nizamabad District – Nizamabad Village and Mandal - Land acquired for provision of house sites to the weaker section people – Sanction of Rs.11,57,319/- towards balance decretal charges in AS No.527/2003 in OP No.1085/95 – Orders- Issued.

SOCIAL WELFARE (LA.2) DEPARTMENT

G.O Rt.No. 299

Dated: 02.05.2014

Read the following

1. From the District Collector, Nizamabad Lr.No.G2/2553/2003, dated 21.5.2013.
2. From the Commissioner of Social Welfare, A.P., Hyderabad Lr.No.LA2/6484/2003, dated 05.8.2013.
3. From the Spl. Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad Lr. No.SRP3/767/2013, Dated 04.01.2014.
4. G.O. Ms. No.74 Finance (BG.I) Department dated 01.04.2014.

ORDER:

In the reference 3rd read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the LAO/RDO, Nizamabad has acquired land to an extent of Ac.5.38 Gts in Sy.Nos.3283, 3284 and 3285 situated at Dubba of Nizamabad Village and Mandal for providing house sites to the weaker sections, duly fixing the market value @ Rs.13/- per Sq. Yd in award Proceedings No.B2/5329/93, dated 28.08.1995. The awardees have received the land compensation under protest and requested to refer the matter to Civil Court U/s 18 of the LA Act for adjudication. As requested by the awardees, the LAO&RDO, has referred the matter to Civil Court for adjudication. The Hon'ble Additional District Sessions Judge, Nizamabad has passed the judgment and decree in O.P No.1085/95 dated 11.4.2002 and enhanced the compensation from Rs. 13/- per Sq. Yard to Rs. 46 per Sq. Yd with 1/3rd deduction towards development charges without any concrete base and the interest granted on Solatium, Market value and Additional Market Value, which is not in accordance with LA Act. The Government Pleader, Nizamabad has opined that it is a fit case for appeal, accordingly the LAO has preferred to file an appeal before the Hon'ble High Court of AP, Hyd. The Hon'ble Court in AS. No : 527 of 2003, dated 20.04.2007, without going into the merits of the case, as opined by the Government Pleader discussed only the enhancement of market value made by the reference court and dismissed the appeal on the ground that no infirmity is discernible in the order passed by the reference court. The Government Pleader for appeals High Court of AP, Hyderabad in his letter dated 23.8.2007, has informed that the findings recorded by the Hon'ble High Court are based upon the evidence on record. Therefore, there are no valid grounds to disagree with the findings recorded by the Hon'ble High Court and opined that it is **not a fit case** to prefer any further appeal to Supreme Court of India.

2. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that the proposal of the Collector, Nizamabad District has been verified with reference to the Award No.5329 of 2003, dated 28.8.1995 passed by the LAO "Judgement" and "Decrees" of the Reference Court and High Court in OP. No : **1085** of 1995 dated 11.04.202 and AS. No : **527** of 2003 dated 20.04.2007. It is further informed that as per Section 23 (1-A) of the amended LA Act of **1984**, **12%** additional market value is payable on the market value from the date of D.N. to the Date of Award of taking possession of the land whichever is earlier. In the present case on land, the DN was published on **22.9.1976**, award passed on **28.08.1995** and possession of the lands taken on **04.04.1977** i.e. prior to the date of award. As such, **12%** additional market value has to be calculated from the date of DN to date of taking over the possession of the land as per the Act and **9%** of the interest has to be calculated from date of taking over possession i.e. 04.04.1977. But the reference court in OP. No : 1085 of 2005 has allowed the 12% additional market value from the date of DN to the Date of Award, which is not in accordance with the Act . As per the orders of the reference Court the interest and Addl. Market Value has to be paid for the same period i.e. from 04.04.1977 to 28.08.1995. The Government in their Memo No ; 43944/LA (A2) /2007,

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Rev (LA) Deptt, dated 12.09.2007, have issued guidelines basing on the Judgment of Supreme Court in R.L. Jain Vs DDA on payment of interest and Additional Market Value for the period which is prior to the date of DN. As per the guidelines, the scheme of payment of interest and additional market value is such that these two period do not overlap. In the instant case, as per the orders of the Reference Court, the 12% Addl. Market Value and interest is overlapped i.e. from 04.04.1977 to 28.08.1995. Therefore, the guide lines issued by the Government in their Memo, dt : 12.09.2005, are followed.

3. After verification and scrutiny of the proposal of the Commissioner of Social Welfare, A.P., Hyderabad/District Collector, Nizamabad, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent comparative calculation sheet for sanction of **Rs. 11,57,319/-** (Rupees Eleven Lakhs Fifty Seven thousand three hundred and nineteen only) towards payment of decretal charges in AS No.527/2003 in OP. No; **1085/2005**, for the lands acquired to an extent of Ac.5.38 Gts in Sy.No.3283, 3284, 3285 situated at Nizamabad Village & Mandal, of Nizamabad District, for providing house sites to the weaker section people.

4. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of **Rs. 11,57,319/-** (Rupees Eleven Lakhs Fifty Seven thousand three hundred and nineteen only) to the District Collector, Nizamabad, towards the payment of balance decretal charges in AS No.527/2003 in OP. No; **1085/2005**, for the lands acquired to an extent of Ac.5.38 Gts in Sy.No.3283, 3284, 3285 situated at Nizamabad Village & Mandal, of Nizamabad District, for providing house sites to the weaker section people.

5. The expenditure sanctioned in para (4) above shall be met within the Budget 2014-15 (Vote on Account) and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

6. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary proceedings to the District Collector, Nizamabad to comply with the Court orders in AS No.527/2003 in OP No.1085/2005.

7. The District Collector, Nizamabad shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

8. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009, read with Finance (ESW) Deptt., U.O No.8474/101/A2/ESW/14, Dated 03.04.2014.

(BY ORDER IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT

SECRETARY TO GOVERNMENT(SW)

To

The Special Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Nizamabad

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,

The Accountant General, A.P., Hyderabad,

The District Treasury Officer, Nizamabad District.

Finance (Exp.SW/BG) Department

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER